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2010 APR 21 PM 2:26

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY YMH DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID CODELL PRIDE, JR.,
CDCR #H-61218,

Plaintiff,

vs.

M. CORREA, et al.,

Defendants.

Civil No. 07cv1382 BEN (JMA)

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR EXTENSION OF
TIME TO FILE OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

[Doc. No. 72]

David Codell Pride, Jr. ("Plaintiff"), a state prisoner currently incarcerated at Calipatria State Prison located in Calipatria, California, is proceeding pro se and *in forma pauperis* with a Complaint filed pursuant to the Civil Rights Act, 42 U.S.C. § 1983.

Currently pending before the Court is Defendants' Correa, Santiago, Levin and Ochoa's Motion for Summary Judgment pursuant to FED.R.Civ.P. 56 [Doc. No. 62]. On April 20, 2010, Plaintiff filed a document with the Court in which he indicated that he was unsure the date by which he needed to file his Opposition to the Defendants' Motion for Summary Judgment.

1 In addition, Plaintiff indicates that the prison has been on two recent "lockdowns." 'Strict
 2 time limits . . . ought not to be insisted upon' where restraints resulting from a pro se prisoner
 3 plaintiff's incarceration prevent timely compliance with court deadlines." *Eldridge v. Block*, 832
 4 F.2d 1132, 1136 (9th Cir. 1987) (citing *Tarantino v. Eggers*, 380 F.2d 465, 468 (9th Cir. 1967);
 5 see also *Bennett v. King*, 205 F.3d 1188, 1189 (9th Cir. 2000). Thus, the Court GRANTS
 6 Plaintiff's Motion for extension of time to file an Opposition to Defendants' Motion for
 7 Summary Judgment.

8 **CONCLUSION AND ORDER**

9 The Court GRANTS Plaintiff's Request for an Extension of Time to file his Opposition
 10 to Defendants' Motion for Summary Judgment. Plaintiff shall have until **Friday, May 7, 2010**,
 11 to file his Opposition,¹ and Defendants shall have until **Friday, May 14, 2010**, to file a Reply.

12 Defendants' Motion for Summary Judgment shall be considered submitted as of Friday,
 13 May 14, 2010. The Court shall thereafter enter its decision on the papers without holding any
 14 oral argument. See S.D.CAL. CIVLR 7.1(d)(1).

15 **IT IS SO ORDERED.**

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 17 DATED: 4/21/2010


 18 **HON. ROGER T. BENITEZ**
 19 United States District Judge
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26 ¹ Plaintiff is advised to review FED.R.CIV.P. 56 and the Court's December 17, 2009
 27 *Klinge/le/Rand* Notice and Warning [Doc. No. 63], which sets forth, in plain language, the requirements
 28 for opposing summary judgment. Plaintiff is cautioned that if he fails to submit his own evidence in
 opposition to Defendants' Motion, summary judgment may be entered against him and his case will be
 dismissed without a trial. See *Rand*, 154 F.3d at 960-61.